IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12234 of 2004

Between:

P.Jacob John, s/o late Bhushanam,
C.B.M.Simpson Memorial Aided U.P.School, Kakinada.

.. Petitioner

AND

1 Government of Andhra Pradesh, rep., by its secretary, School Education,
Secretariat, Hyderabad.
2 The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 The District Educational Officer, Kakinada

.. Respondents

(Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ of mandamus directing the respondent Nos.2 and 3 to take appropriate action in pursuance of the proceedings bearing Rc.No.13/B2/2004 dated 23-06-2004 besides directing to issue appropriate orders continuing the petitioner as Correspondent for C.B.M.Simpson Memorial Aided U.P.School, Kakinada, E.G.District, as expeditiously as possible within a time bound programme, declaring the inaction on the part of the respondents as illegal and ultra vires to the provisions of Article 14 of the Constitution of India and also the mandatory provisions of the A.P.Education Act and the Rules framed thereunder on the subject from time to time.

Counsel for the Petitioner :MR.JOSYULA BHASKARA RAO, Advocate

Counsel for the Respondents: GP FOR EDUCATION

The Court, at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

W.P.No.12234 of 2004

ORAL ORDER:

This writ petition is filed to direct the respondent Nos.2 and 3 to take appropriate action in pursuance of the proceedings R.C.No.13/B2/2004, dated 23.6.2004.

Heard the learned counsel for both the parties. At their request, the writ petition is taken up for disposal.

Though several contentions were raised in the writ petition, the learned counsel for the petitioner limited his arguments with the only submission to this Court, to direct the 2nd respondent to pass appropriate orders on the report submitted by the 3rd respondent-District Educational Officer.

The learned Government Pleader for Education contended that the management can appoint a Manager to look after the affairs of the School and the petitioner cannot claim any right to appoint him as a Correspondent. But, that point has not at all been raised by the learned counsel for the petitioner and the 2nd respondent has to take a decision to pass appropriate orders as per law in pursuance of the enquiry report submitted by the 3rd respondent-District Educational Officer vide Proceedings, dated 23.6.2004.

In the circumstances, the writ petition can be disposed of directing the 2nd respondent to take proper decision and pass appropriate orders

in accordance with law in pursuance of the enquiry report submitted the 3rd respondent, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

_____

(K.C.BHANU,J.)

16th July, 2004

bcj/mvb

To

1 The Secretary, The Government of Andhra Pradesh, School Education, Secretariat, Hyderabad.
2 The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 The District Educational Officer, Kakinada.

4 Two C.Cs. to the Government Pleader for Education, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies.